

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE

CASE NO. 10-04604-SEK

CARLOS A ORTIZ ORTIZ

CHAPTER: 13

DEBTOR(S)

MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, and respectfully sets forth and prays:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle SUZUKI SX4 2009 registered under number 3697795, executed by debtor(s) on AUGUST 31, 2009.
2. Debtor's(s') Chapter 13 Plan was confirmed on JULY 22, 2010. Said plan calls for \$450.00 X 12, \$570.00 X 12, \$695.00 X 36 payments. Movant is proposed to be paid 100% of its claim through the Chapter 13 Trustee's Office (Trustee).
3. However, according to the records made available to creditors by the Trustee, as of today's date, debtor(s) has (have) only paid \$ **2,250.00**, out of \$ **4,050.00** due.
4. Section 1307 (c) (6) of the Bankruptcy Code provides for the dismissal of a case under chapter 13 for "material default by the debtor with respect to a term of a confirmed plan."

WHEREFORE, Movant requests the dismissal of the instant case since debtor(s)

has(have)defaulted on the payments to the Chapter 13 Trustee.

NOTICE TO ALL PARTIES is hereby given to the effect that unless a party in interest objects to the dismissal of this case within thirty (30) days from the date of this notice, the case may be dismissed without a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **JOSE R. CARRION**, Trustee and **MARILYN VALDES ORTEGA**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **CARLOS A ORTIZ ORTIZ, 5A COND LUCERNA APT 1D CAROLINA, PR 00983** and to all non CM/ECF participants interested as per mailing list which is hereby included.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 28TH day FEBRUARY, 2011.

**/S/ CARLOS E. PEREZ PASTRANA
USDC-208913
Attorney for Movant
PO BOX 21382
SAN JUAN, PR 00928-1382
TEL. 787-625-6645 FAX: 787-625-4891
cperezp@reliablefinancial.com**

Label Matrix for local noticing
0104-3
Case 10-04604-SEK13
District of Puerto Rico
Old San Juan
Thu Feb 24 10:16:43 AST 2011

ASUME
PO BOX 71316
SAN JUAN, PR 00936-8416

RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902-4140

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

DEPARTAMENTO DEL TRABAJO
AVE. MUOZ RIVERA 505
HATO REY, PR 00918-3352

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

GAP/ GEMB
PO BOX 530942
ATLANTA, GA 30353-0942

GE Money Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

HOME DEPOT CREDIT SERVICES
PROCESSING CENTER
DES MOINES, IA 50364-0500

HSBC RETAIL SERVICES
PO BOX 60148
CITY OF INDUSTRY, CA 91716-0148

JC PENNEY
PO BOX 960090
ORLANDO, FL 32896-0090

MOVIE STAR
PO BOX 71569
SAN JUAN, PR 00936-8669

NCO
PO BOX 15391
WILMINGTON, DE 19850-5391

OLD NAVY/ GEMB
PO BOX 530942
ATLANTA, GA 30353-0942

PR ACQUISITIONS, LLC
250 Munoz Rivera Ave Suite 1200
Hato Rey, PR 00918-1814

SANTANDER FINANCIAL D/B/A ISLAND FINANCE
PO BOX 195369
SAN JUAN PR 00919-5369

SANTANDER FINANCIAL SERVICE
PO BOX 147 SAINT JUST STATION
TRUJILLO ALTO, PR 00978-0147

SEARS CREDIT CARDS
P.O. BOX 183081
COLUMBUS, OH 43218-3081

WALMART/ GEMB
PO BOX 530927
ATLANTA, GA 30353-0927

CARLOS ALEXIS ORTIZ ORTIZ
COND LUCERNA
EDIF A5 APTO 1D
CAROLINA, PR 00983-1745

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

MARILYN VALDES ORTEGA
VALDES-ORTEGA
P O BOX 195596
SAN JUAN, PR 00919-5596

MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) ASUME-DARYMAR ALBERT GUIVAS PO BOX 71316

(u) ORTIZ ORTIZ, CARLOS ALEXIS

(d) RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

End of Label Matrix

Mailable recipients 23

Bypassed recipients 3

Total 26

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

CARLOS A ORTIZ ORTIZ

DEBTOR(S)

CASE NO 10-04604-SEK

CHAPTER 13

**MOTION SUBMITTING DECLARATION
UNDER PENALTY OF PERJURY**

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL**, Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 23 day of FEBRUARY, 2011.

**S/HILDARIS B. BURGOS MURIEL
Bankruptcy Official
P. O. Box 21382
San Juan, PR 00928-1382
Tel. (787)625-6647 FAX:(787)625-4891
hburgosm@reliablefinancial.com**

Department of Defense Manpower Data Center

Feb-23-2011 10:57:26



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ORTIZ	CARLOS ALEXIS		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester.
Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:2EMSNNGKII